

CITY OF BOSTON

Substantial Amendment to the Consolidated Plan 2008 Action Plan for the Community Development Block Grant Recovery Program (CDBG-R)



**City of Boston
Thomas M. Menino, Mayor**

**Department of Neighborhood Development
Evelyn Friedman, Chief and Director**

**DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT
26 Court Street, Boston, MA 02108**

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THE CDBG-R SUBSTANTIAL AMENDMENT

Jurisdiction(s): City of Boston	CDBG-R Contact Person: Robert Gehret
Jurisdiction Web Address: <ul style="list-style-type: none">• (www.cityofboston.gov/dnd/Consolidated_Plan.asp) (URL where CDBG-R Substantial Amendment materials are posted)	Address: 26 Court Street, Boston, MA 02108
	Telephone: 617-625-0242
	Fax: 617-635-0383
	Email: bgehret.dnd@cityofboston.gov

ENSURING RESPONSIBLE SPENDING OF RECOVERY ACT FUNDS

Funding available under the Recovery Act has clear purposes – to stimulate the economy through measures that modernize the Nation’s infrastructure, improve energy efficiency, and expand educational opportunities and access to health care. HUD strongly urges grantees to use CDBG-R funds for hard development costs associated with infrastructure activities that provide basic services to residents or activities that promote energy efficiency and conservation through rehabilitation or retrofitting of existing buildings. While the full range of CDBG activities is available to grantees, the Department strongly suggests that grantees incorporate consideration of the public perception of the intent of the Recovery Act in identifying and selecting projects for CDBG-R funding.

RESPONSE:

The City of Boston is pleased to submit this Substantial Amendment application for its CDBG-R formula grant allocation in the amount of \$5,366,011. Our application is comprised of five critical projects or programs that will stimulate the local economy. Together these projects leverage \$161.9 million in funding and have a total activity budget of more than \$167 million. A brief summary of the projected accomplishments are the rehabilitation/creation of 227 housing units, the creation or retention of 210 permanent jobs, 590 new construction jobs created, gap funding for 40,000 square feet of mixed use development, construction of a new 90,000 square foot community center and funds to assist up to 40 new or existing businesses impacted by the recession.

As required by HUD, the City posted a draft Substantial Amendment on its website for a 7-day public comment period beginning Wednesday, May 27, 2009 and ending Wednesday, June 3, 2009. The City received 16 comments on its draft Substantial amendment. These comments are summarized in Section C of this document.

Following HUD’s guidance to grantees, the City of Boston will be focusing its use of our CDBG-R allocation on those eligible activities that specifically address the Congressional intent of the CDBG-R program:

“Congress clearly intends that CDBG-R funds should primarily be invested in economic development, housing, infrastructure and other public facilities activities that will quickly spur further economic investment, increased energy efficiency, and job creation or retention.”.... “HUD encourages grantees to use CDBG-R funds for discreet, stand-alone activities whenever possible”... “Grantees should also avoid using CDBG-R funds to initiate a new project that cannot be completed within the expenditure deadline for the CDBG-R program or that will require commitment of future year’ allocations of regular CDBG funds.”

For these reasons, the City of Boston has decided to allocate all of its CDBG-R funds for housing development, economic development and construction of public facilities. All of these activities will meet the national objective of providing a benefit (housing, jobs or services) to low and moderate income persons or areas.

At this time, the City has decided not to allocate any of the CDBG-R funds for public service activities or for business technical assistance. The one-time nature of the CDBG-R funds and its extremely burdensome reporting requirements do not make CDBG-R a suitable funding source for these types of activities. Also, the City already invests a significant amount of its own CDBG funds to provide technical assistance to small businesses. The City will work with Community Development Corporations (CDCs) to support continuation of existing state funding for business technical assistance activities carried out by CDCs. The new Homelessness Prevention and Rapid Re-Housing Program and the Neighborhood Stabilization Program will significantly expand resources available for certain categories of high-priority human service activities, including homelessness prevention, housing stabilization services and homebuyer counseling for the purchase of foreclosed properties. This may also free up mainstream resources for other activities.

A. SPREADSHEET FOR REPORTING PROPOSED CDBG-R ACTIVITIES

Grantees must provide information concerning CDBG-R assisted activities in an electronic spreadsheet provided by HUD. The information that must be reported in the spreadsheet includes activity name, activity description, CDBG-R dollar amount budgeted, eligibility category, national objective citation, additional Recovery Act funds for the activity received from other programs, and total activity budget.

(See spreadsheet on next page)

Jurisdiction/Grantee Name: City of Boston		CDBG-R Formula Grant Amount: \$5,366,011				Date: 6/05/2009	
Activity Name	Activity Description	Eligibility (Regulatory or HCDA Citation)	National Objective Citation	CDBG-R Project Budget (\$)	Additional Recovery Funds (\$)	Other Leveraged Funding (\$)	Total Activity Budget
Tax Credit Gap Filler	Up to five projects that have been stalled due to the collapse of the LIHTC Equity Market: (1) 35 Creighton SRO, rehab of convent into 28 SRO units; (2) Blessed Sacrament Mixed Use Building, new construction of parking commercial space and 36 units; (3) 270 Centre Street, new construction of ground floor commercial and 30 units of housing; (4) JP Apartments, rehabilitation of a scattered site housing development representing 103 rental units (5) Upton Street SRO, rehab of townhouses into 30 SRO Units.	multi-family rehab (570.202) and new construction of housing by a CBDO (570.204)	low/mod housing (570.208a3)	\$2,272,710	Tax Credit Assistance Program & Tax Credit Exchange Amounts TBD	\$8,988,733	65,505,233
Retail Production Gap Filler	Assist up to 4 stalled mixed use developments. Funds will start being committed by early July. All funds should be committed by September. Construction of 2 of the projects should commence immediately, with the other 2 to follow by year end. Expect to expend all funds by June, 2010.	Special Economic Development (570.203b)	low/mod area (570.208a1) or low/mod job creation/retention (570.208a4)	\$1,500,000	\$0	\$75,000,000	76,500,000
Kroc Center Gap	Provide funding to new 90,000 square foot community center to serve the Uphams corner area of Dorchester. The funds will be comitted as soon as they become available with construction to begin in June or early July of 2009 and expected to be complete December 2009.	construction of public facilities (570.201c)	low/mod area (570.208a1)	\$250,000	\$0	\$75,000,000	\$75,000,000
Commercial District Rent Stabilization Program	This program will provide a rental subsidy to either new business or existing business being severely impacted by the recession. The fund will help to keep storefronts filled and increase the array of services available to local residents. The program would pay up to \$1,500 (or 50%) of a firms rent per month for up to 9 months. Funds would be in the form of a loan forgivable over 5 years. Maximum benefit of \$13,500 per business. Anticipate helping up to 20 businesses starting in July 2009. Expect to expend all funds by June, 2010.	Special Economic Development (570.203b)	low/mod area (570.208a1) or low/mod job creation/retention (570.208a4)	\$225,000	\$0	\$0	225,000
Commercial District Stabilization Loan Program	Funds will be committed starting immediately to facilitate the stabilization of local business districts. Funds can be used for working capital, expansion or build out. Up to 20 business will be assisted with the average assistance being in the range of \$50,000. Full commitment expected by 6/10.	Special Economic Development (570.203b)	low/mod area (570.208a1) or low/mod job creation/retention (570.208a4)	\$850,000	\$0	\$3,000,000	3,850,000
Administration & Finance	CDBG-R planning & administration (5% out of 10% allowed)	planning & admin (570.205 and 570.206)	N/A	\$268,301	\$0	\$0	268,301

B. CDBG-R INFORMATION BY ACTIVITY

- 1. Tax Credit Gap Filler**
- 2. Retail Production Gap Filler**
- 3. Kroc Center Gap**
- 4. Commercial District Rent Stabilization Program**
- 5. Commercial District Stabilization Loan Program**

(1) Activity Name: **LIHTC Gap Filler**

(2) Activity Narrative:

In addition to the Spreadsheet for Reporting Proposed CDBG-R Activities, grantees must provide a narrative for each activity describing how the use of the grantee's CDBG-R funds will meet the requirements of Title XII of Division A and Section 1602 of ARRA. The grantee's narrative must also state how CDBG-R funds will be used in a manner that maximizes job creation and economic benefit in relation to the CDBG-R funds obligated, and will address the Recovery Act:

The five projects represent 227 units of rental housing and include a mix of unit sizes from SPO to 3 and 4 bedroom family sized units. All of the units will be affordable to low and moderate income households in perpetuity. Tax Credit Gap Filler of up to Five Projects that have been stalled due to the collapse of the LIHTC Equity Market: (1) 35 Creighton SRO, rehab of convent into 28 SRO units; (2) Blessed Sacrament Mixed Use Building, new construction of parking commercial space and 36 housing units; (3) 270 Centre Street, new construction of ground floor commercial and 30 units of housing; (4) JP Apartments, rehabilitation of a scattered site housing development representing 103 rental units (5) Upton Street SRO, rehab of townhouses into 30 SRO Units.

Check all that apply		Explain as applicable
X	Preserving and creating jobs and promoting economic recovery	The funding will be used to support up to 5 LIHTC financed projects that have stalled due to the collapse of the Equity Markets. It is estimated that these projects will generate approximately 490 construction jobs.
	Assisting those most impacted by the recession	
	Providing investment needed to increase economic efficiency	
	Investing in transportation, environmental protection, or other infrastructure that will provide long-term economic benefits	
X	Minimizing or avoiding reductions in essential services	
X	Fostering energy independence	Each of the housing developments will at a minimum meet the LEED Silver certifiable standard.

Jobs Created: (Report the number of full- and part-time jobs estimated to be created and retained by the activity (including permanent, construction, and temporary jobs).

	# Full-time jobs	# Part-time jobs
Jobs to be Created		
Permanent Jobs		
Temporary Jobs		
Construction Jobs	490	
Jobs to be Retained		
Permanent Jobs		
Temporary Jobs		
Construction Jobs		
Total Jobs to be Created or Retained	490	

- (3) Additional Activity Information: (A description of how the activity will promote energy conservation, smart growth, green building technologies, or reduced pollution emissions, if applicable.)

Check	all that apply	Describe, if applicable
X	Promote energy conservation	All of the projects will be at least LEED Silver Certifiable and meet Energy Start Standards for the building types. New Construction Projects are expected to be photovoltaic ready.
X	Smart growth	All projects are located within walking distance to the subway or bus line.
	Green building technologies	
	Reduced pollution emissions	

- (4) Responsible Organization: (Contact information for the organization that will implement the CDBG-R activity, including its name, location, and administrator contact information)

Department of Neighborhood Development
26 Court Street, 8th Floor
Boston, MA 02108

Administrator: Theresa Gallagher, Deputy Director,
Neighborhood Housing & Development Div.
Tgallagher.dnd@cityofboston.gov
(617) 635-0325

(1) Activity Name: **Retail Production Gap Filler**

(2) Activity Narrative:

In addition to the Spreadsheet for Reporting Proposed CDBG-R Activities, grantees must provide a narrative for each activity describing how the use of the grantee's CDBG-R funds will meet the requirements of Title XII of Division A and Section 1602 of ARRA. The grantee's narrative must also state how CDBG-R funds will be used in a manner that maximizes job creation and economic benefit in relation to the CDBG-R funds obligated, and will address the Recovery Act:

This program will assist up to 4 stalled mixed-use projects in Boston. Funds will be utilized to facilitate the construction of the commercial/retail portions of these projects. A significant number of jobs should be created and retained by this activity.

Check all that apply		Explain as applicable
X	Preserving and creating jobs and promoting economic recovery	The funds will create over 40,000 square feet in new retail and commercial space in 4 stalled mixed-use projects. In excess of 70 new jobs should be created through this program.
	Assisting those most impacted by the recession	
	Providing investment needed to increase economic efficiency	
	Investing in transportation, environmental protection, or other infrastructure that will provide long-term economic benefits	
	Minimizing or avoiding reductions in essential services	
	Fostering energy independence	

- (3) Jobs Created: (Report the number of full- and part-time jobs estimated to be created and retained by the activity (including permanent, construction, and temporary jobs).)

	# Full-time jobs	# Part-time jobs
Jobs to be Created		
Permanent Jobs	70	
Temporary Jobs		
Construction Jobs		
Jobs to be Retained		
Permanent Jobs		
Temporary Jobs		
Construction Jobs		
Total Jobs to be Created or Retained	70	

- (4) Additional Activity Information: (A description of how the activity will promote energy conservation, smart growth, green building technologies, or reduced pollution emissions, if applicable.)

Check	all that apply	Describe, if applicable
	Promote energy conservation	
X	Smart growth	All projects are located within walking distance to the subway or bus line.
	Green building technologies	
	Reduced pollution emissions	

- (5) Responsible Organization: (Contact information for the organization that will implement the CDBG-R activity, including its name, location, and administrator contact information)

Department of Neighborhood Development
26 Court Street, 9th Floor
Boston, MA 02108

Administrator: **Keith Hunt, Acting Deputy Director, Office of Business Development**
Khunt.dnd@cityofboston.gov
(617) 635-0418

(1) Activity Name: **Kroc Center Gap**

(2) Activity Narrative:

In addition to the Spreadsheet for Reporting Proposed CDBG-R Activities, grantees must provide a narrative for each activity describing how the use of the grantee's CDBG-R funds will meet the requirements of Title XII of Division A and Section 1602 of ARRA. The grantee's narrative must also state how CDBG-R funds will be used in a manner that maximizes job creation and economic benefit in relation to the CDBG-R funds obligated, and will address the Recovery Act:

The Kroc Center is a 90,000 square foot community center that will be constructed at a cost of \$75,000,000 in the Uphams Corner neighborhood of Dorchester. This funding will help to fill the remaining financing gap and allow the project to begin construction before the end of June. A significant number of permanent and construction jobs will be created by this project.

Check all that apply		Explain as applicable
X	Preserving and creating jobs and promoting economic recovery	These funds will facilitate the construction of a \$115 Million Community Center. The project will create a substantial number of construction and permanent jobs.
	Assisting those most impacted by the recession	
	Providing investment needed to increase economic efficiency	
	Investing in transportation, environmental protection, or other infrastructure that will provide long-term economic benefits	
	Minimizing or avoiding reductions in essential services	
X	Fostering energy independence	Development will at a minimum meet the LEED Silver certifiable standard.

- (3) **Jobs Created:** (Report the number of full- and part-time jobs estimated to be created and retained by the activity (including permanent, construction, and temporary jobs).

	# Full-time jobs	# Part-time jobs
Jobs to be Created		
Permanent Jobs	25	
Temporary Jobs		
Construction Jobs	100	
Jobs to be Retained		
Permanent Jobs		
Temporary Jobs		
Construction Jobs		
Total Jobs to be Created or Retained	125	

- (4) **Additional Activity Information:** (A description of how the activity will promote energy conservation, smart growth, green building technologies, or reduced pollution emissions, if applicable.)

Check all that apply		Describe, if applicable
X	Promote energy conservation	Project will be LEED Silver Certifiable.
X	Smart growth	All projects are located within walking distance to the subway or bus line.
	Green building technologies	
	Reduced pollution emissions	

- (5) **Responsible Organization:** (Contact information for the organization that will implement the CDBG-R activity, including its name, location, and administrator contact information)

Department of Neighborhood Development
26 Court Street, 9th Floor
Boston, MA 02108

Administrator: **Keith Hunt, Acting Deputy Director, Office of Business Development**
Khunt.dnd@cityofboston.gov
(617) 635-0418

(1) Activity Name: **Commercial District Rent Stabilization Program**

(2) Activity Narrative:

In addition to the Spreadsheet for Reporting Proposed CDBG-R Activities, grantees must provide a narrative for each activity describing how the use of the grantee's CDBG-R funds will meet the requirements of Title XII of Division A and Section 1602 of ARRA. The grantee's narrative must also state how CDBG-R funds will be used in a manner that maximizes job creation and economic benefit in relation to the CDBG-R funds obligated, and will address the Recovery Act:

This program will fund up to \$1,500 or 50% of a business rent for up to 9 months. The business must be in a neighborhood business district and have a good chance for long-term viability. The business can be either a new business or one that is suffering from the effects of the recession. The funds will be provided in the form of a forgivable loan. Should the business move or close or be sold before the loan is fully forgiven, the balance will be payable.

Check all that apply		Explain as applicable
X	Preserving and creating jobs and promoting economic recovery	This program will subsidize the rent of new and existing businesses, retaining and creating jobs in the process. The funds will preserve and strengthen neighborhood business districts.
	Assisting those most impacted by the recession	
	Providing investment needed to increase economic efficiency	
	Investing in transportation, environmental protection, or other infrastructure that will provide long-term economic benefits	
	Minimizing or avoiding reductions in essential services	
	Fostering energy independence	

- (3) Jobs Created: (Report the number of full- and part-time jobs estimated to be created and retained by the activity (including permanent, construction, and temporary jobs).)

	# Full-time jobs	# Part-time jobs
Jobs to be Created		
Permanent Jobs		
Temporary Jobs		
Construction Jobs		
Jobs to be Retained		
Permanent Jobs	15	
Temporary Jobs		
Construction Jobs		
Total Jobs to be Created or Retained	15	

- (4) Additional Activity Information: (A description of how the activity will promote energy conservation, smart growth, green building technologies, or reduced pollution emissions, if applicable.)

Check	all that apply	Describe, if applicable
	Promote energy conservation	
X	Smart growth	All projects are located within walking distance to the subway or bus line.
	Green building technologies	
	Reduced pollution emissions	

- (5) Responsible Organization: (Contact information for the organization that will implement the CDBG-R activity, including its name, location, and administrator contact information)

Department of Neighborhood Development
26 Court Street, 9th Floor
Boston, MA 02108

Administrator: **Keith Hunt, Acting Deputy Director, Office of Business Development**
 Khunt.dnd@cityofboston.gov
 (617) 635-0418

(1) Activity Name: **Commercial District Stabilization Loan Program**

(2) Activity Narrative:

In addition to the Spreadsheet for Reporting Proposed CDBG-R Activities, grantees must provide a narrative for each activity describing how the use of the grantee's CDBG-R funds will meet the requirements of Title XII of Division A and Section 1602 of ARRA. The grantee's narrative must also state how CDBG-R funds will be used in a manner that maximizes job creation and economic benefit in relation to the CDBG-R funds obligated, and will address the Recovery Act:

This program will provide loans to new and existing businesses. The funds will either create or retain jobs. No payments will be required in the first year. Funds may be utilized to stabilize existing business operations or to assist businesses that are being created. The goal is to retain and strengthen the City's neighborhood business districts. The funds can be combined with funds from other Office of Business Development (OBD) programs.

Check all that apply		Explain as applicable
X	Preserving and creating jobs and promoting economic recovery	This is a loan program to provide working capital to new and existing businesses for business expansion, creation or stabilization. The loans will preserve or create jobs.
	Assisting those most impacted by the recession	
	Providing investment needed to increase economic efficiency	
	Investing in transportation, environmental protection, or other infrastructure that will provide long-term economic benefits	
	Minimizing or avoiding reductions in essential services	
	Fostering energy independence	

- (3) **Jobs Created:** (Report the number of full- and part-time jobs estimated to be created and retained by the activity (including permanent, construction, and temporary jobs).)

	# Full-time jobs	# Part-time jobs
Jobs to be Created		
Permanent Jobs	100	
Temporary Jobs		
Construction Jobs		
Jobs to be Retained		
Permanent Jobs		
Temporary Jobs		
Construction Jobs		
Total Jobs to be Created or Retained	100	

- (4) **Additional Activity Information:** (A description of how the activity will promote energy conservation, smart growth, green building technologies, or reduced pollution emissions, if applicable.)

Check all that apply		Describe, if applicable
	Promote energy conservation	
X	Smart growth	All projects are located within walking distance to the subway or bus line.
	Green building technologies	
	Reduced pollution emissions	

- (5) **Responsible Organization:** (Contact information for the organization that will implement the CDBG-R activity, including its name, location, and administrator contact information)

Department of Neighborhood Development
26 Court Street, 9th Floor
Boston, MA 02108

Administrator: **Keith Hunt, Acting Deputy Director, Office of Business Development**
 Khunt.dnd@cityofboston.gov
 (617) 635-0418

C. PUBLIC COMMENT

Provide a summary of public comments received to the proposed CDBG-R Substantial Amendment.

Response:

The City would like to thank the following individuals and organizations for their comments on the draft Substantial Amendment for the Community Development Block Grant Recovery (CDBG-R) Program.

- Leslie Belay, Consultant to the Community Business Network
- Kathy Brown, Coordinator, Boston Tenant Coalition, Boston MA
- Michelle Cazeau, Vice President, Wainwright Bank & Trust Co.
- Betsy Cowan, Egleston Square Main Street
- Lyndia Downie, President and Executive Director, Pine Street Inn, Boston, MA
- Tara Finnegan, Director of Resource Development, Generations Incorporated
- Jesus Jimenez, President, Sonia's Bridal, Inc.
- Joseph Kriesberg, President, Mass. Association of Community Development Corporations
- Deirdra MacLeod, Small Business Loan Officer, Dorchester Bay Economic Development Corporation
- Paulo Pinto, Executive Director, Mass. Alliance of Portuguese Speakers
- Josefina Silva, Loan Officer, Mass. Community Development Finance Corp.
- Gail Sullivan, Studio G Architects
- Richard Thal, Executive Director, Jamaica Plain Neighborhood Development Corporation
- Matthew Thall, Interim Executive Director, Viet-AID
- David Warner, City Feed and Supply
- Tony Williams, owner, Tony Williams Dance Center and Artistic Director, BalletRox

A summary of the public comments received regarding the draft CDBG-R Substantial amendment is provided on the following pages. Comments are grouped by issue and similar comments may have been combined or paraphrased.

Issue: Allocate \$150,000 to \$250,000 to support small business technical assistance services to be provided through Community Development Corporations.	
The City of Boston received comments from several Community Development Associations, a CDC trade association, lenders and small businesses and others (12 organizations altogether) urging the City to use CDBG-R funds to support small business technical assistance services provided through CDCs. The request is apparently in response to anticipated state budget cuts to funding for these services.	The City currently allocates a significant amount of CDBG funding for business technical assistance provided directly by the City's Office of Business Development's staff or by vendors under contract to the City. The City of Boston will work with the Community Development Corporations and their trade association to support continuation of state funding for these activities.
Issue: Funding for Non-profit public service providers	
The City received comments from three organizations urging the City to allocate funds for various public service activities, including funds for operating and maintenance expenses for legal service providers and tenant organizers, non-profit providers of educational services and services to persons with limited English proficiency.	The City did not receive any particularly compelling requests for using CDBG-funds for public service activities. Given the one-time nature of the CDBG-R funding, the City has decided not to provide CDBG-R funding for these programs at this time. Next year is an open and competitive funding year under the City's two-year CDBG-funded human services programs. The City would consider such requests at that time.
Issue: Funding for specific projects	
A non-profit homeless service provider supports our decision to allocate funds for stalled tax credit projects, including their own project.	No comment is necessary
Two non-profits requested "stimulus funding" for their large-scale public facility improvement projects.	Both projects were beyond the scale of what could be funded with Boston's CDBG-R funding allocation and/or were requesting funding for project components that were not permitted under CDBG/CDBG-R..

CERTIFICATIONS

(1) **Affirmatively further fair housing.** The jurisdiction will affirmatively further fair housing, which means that it will conduct an analysis to identify impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting the analysis and actions in this regard.

(2) **Anti-displacement and relocation plan.** The jurisdiction will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601), and implementing regulations at 49 CFR part 24; and it has in effect and is following a residential anti-displacement and relocation assistance plan required under section 104(d) of the housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under CDBG-R.

(3) **Drug Free Workplace.** The jurisdiction will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

2. Establishing an ongoing drug-free awareness program to inform employees about –

- (a) The dangers of drug abuse in the workplace;
- (b) The grantee's policy of maintaining a drug-free workplace;
- (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
- (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;

4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will –

- (a) Abide by the terms of the statement; and
- (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted:

- (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

(4) **Anti-lobbying.** To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

(5) **Authority of Jurisdiction.** The jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations and other program requirements.

(6) **Consistency with Plan.** The housing activities to be undertaken with CDBG-R funds are consistent with its consolidated plan.

(7) **Section 3.** The jurisdiction will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and implementing regulations at 24 CFR part 135.

(8) **Community development plan.** The jurisdiction certifies that the consolidated housing and community development plan identifies housing and community development needs and specifies both short-term and long-term community development objectives that have been developed in accordance with the primary objective of the statute authorizing the CDBG program.

(9) **Following a plan.** The jurisdiction is following a current consolidated plan that has been approved by HUD.

(10) **Use of funds.** The jurisdiction has developed activities so as to give the maximum feasible priority to activities that will benefit low- and moderate-income families or aid in the prevention of slums or blight. Additional activities may be included that are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs. It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG-R funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);

2. Special Assessments. The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG-R funds by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements. However, if CDBG-R funds are used to pay the proportion of a fee or assessment attributable to the capital costs of public improvements (assisted in part with CDBG-R funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG-R funds. The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG-R funds, unless CDBG-R funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG-R funds. In addition, with respect to properties owned and occupied by moderate-income (but not low-income) families, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG-R funds if the jurisdiction certifies that it lacks CDBG-R or CDBG funds to cover the assessment.

(11) **Excessive Force.** The jurisdiction certifies that it has adopted and is enforcing: (1) a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and (2) a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction.

(12) **Compliance with anti-discrimination laws.** The CDBG-R grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), the Fair Housing Act (42 U.S.C. 3601-3619), and implementing regulations.

(13) **Compliance with lead-based paint procedures.** The activities concerning lead-based paint will comply with the requirements of part 35, subparts A, B, J, K, and R of this title.

(14) **Compliance with laws.** The jurisdiction will comply with applicable laws.

(15) **Compliance with ARRA.** The jurisdiction will comply with Title XII of Division A of the American Recovery and Reinvestment Act of 2009.

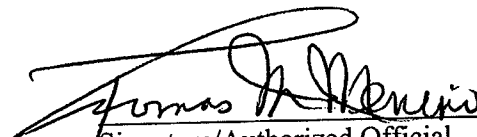
(16) **Project selection.** The jurisdiction will select projects to be funded, by giving priority to projects that can award contracts based on bids within 120 days from the date the funds are made available to the recipient, and that will ensure maximum job creation and economic benefit.

(17) **Timeliness of infrastructure investments.** When the jurisdiction uses CDBG-R funds for infrastructure investments, the grantee will give preference to quick-start and finish activities, including a goal to use at least 50 percent of the funds for activities within 120 days of enactment of the Recovery Act.

(18) **Buy American provision.** The jurisdiction will ensure that all iron, steel and manufactured goods used in construction, alteration, repair, or maintenance of a public building or public work project assisted with CDBG-R funds under the Recovery Act must be produced in the United States unless the Secretary finds that: (1) the requirement is inconsistent with public interest; (2) those goods are not reasonably available or produced in sufficient quantity in the U.S.; (3) or the use of the goods will increase the project cost by more than 25 percent.

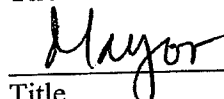
(19) **Appropriate use of funds for infrastructure investments.** The Governor, mayor, or other chief executive, as appropriate certifies, that any infrastructure investments have received the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars. Alternatively, a grantee's chief elected official certifies that infrastructure investments will receive the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars.

(20) **70% of CDBG-R for LMI.** The aggregate use of CDBG-R funds shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the grant is expended for activities that benefit such persons over the life of the CDBG-R grant.



Signature/Authorized Official

Thomas M. Menino

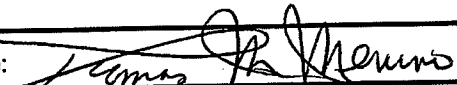


Title
Mayor, City of Boston

6-4-09
Date

Application for Federal Assistance SF-424		Version 02
*1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	*2. Type of Application * If Revision, select appropriate letter(s) <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation *Other (Specify) _____ <input type="checkbox"/> Revision	
3. Date Received:		4. Applicant Identifier:
5a. Federal Entity Identifier:		*5b. Federal Award Identifier:
State Use Only:		
6. Date Received by State:		7. State Application Identifier:
8. APPLICANT INFORMATION:		
*a. Legal Name: City of Boston		
*b. Employer/Taxpayer Identification Number (EIN/TIN): 04-6001380		*c. Organizational DUNS: 138-479-543
d. Address:		
*Street 1: <u>26 Court Street</u>		
Street 2: _____		
*City: <u>Boston</u>		
County: <u>Suffolk</u>		
*State: <u>MA</u>		
Province: _____		
*Country: <u>U.S.A.</u>		
*Zip / Postal Code <u>02108</u>		
e. Organizational Unit:		
Department Name: Department of Neighborhood Development		Division Name: Policy Development & Research
f. Name and contact information of person to be contacted on matters involving this application:		
Prefix: <u>Mr.</u> *First Name: <u>Robert</u>		
Middle Name: <u>Charles</u>		
*Last Name: <u>Gehret</u>		
Suffix: <u>Jr.</u>		
Title: Deputy Director		
Organizational Affiliation: Department of Neighborhood Development		
*Telephone Number: 617-635-0242		Fax Number: 617-635-0383
*Email: bgehret.dnd@cityofboston.gov		

Application for Federal Assistance SF-424	Version 02
<p>*9. Type of Applicant 1: Select Applicant Type: C. City or Township Government</p> <p>Type of Applicant 2: Select Applicant Type:</p> <p>Type of Applicant 3: Select Applicant Type:</p> <p>*Other (Specify)</p>	
<p>*10 Name of Federal Agency: U.S. Department of Housing and Urban Development</p>	
<p>11. Catalog of Federal Domestic Assistance Number: 14 - 253</p> <p>CFDA Title: Community Development Block Grant - Recovery (CDBG-R)</p>	
<p>*12 Funding Opportunity Number: N/A</p> <p>*Title:</p>	
<p>13. Competition Identification Number:</p> <p>Title:</p>	
<p>14. Areas Affected by Project (Cities, Counties, States, etc.): City of Boston</p>	
<p>*15. Descriptive Title of Applicant's Project: City of Boston, CDBG Recovery Program (CDBG-R)</p>	

Application for Federal Assistance SF-424		Version 02
16. Congressional Districts Of:		
*a. Applicant: MA-8		*b. Program/Project: MA-8, MA-9
17. Proposed Project:		
*a. Start Date: 5/05/2009		*b. End Date: 9/30/2012
18. Estimated Funding (\$):		
*a. Federal	<u>5,366,011.00</u>	
*b. Applicant	<u> </u>	
*c. State	<u> </u>	
*d. Local	<u> </u>	
*e. Other	<u> </u>	
*f. Program Income	<u> </u>	
*g. TOTAL	<u>5,366,011.00</u>	
*19. Is Application Subject to Review By State Under Executive Order 12372 Process?		
<input type="checkbox"/> a. This application was made available to the State under the Executive Order 12372 Process for review on _____		
<input checked="" type="checkbox"/> b. Program is subject to E.O. 12372 but has not been selected by the State for review.		
<input type="checkbox"/> c. Program is not covered by E. O. 12372		
*20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)		
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)		
<input checked="" type="checkbox"/> ** I AGREE		
** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions		
Authorized Representative:		
Prefix: <u>Mr.</u>	*First Name: <u>Thomas</u>	
Middle Name: <u>M.</u>		
*Last Name: <u>Menino</u>		
Suffix: <u> </u>		
*Title: Mayor		
*Telephone Number: 617-635-3151		Fax Number: 617-635-2858
* Email: bgehret.dnd@cityofboston.gov		
*Signature of Authorized Representative: 		*Date Signed: <u>6/4/09</u>

CDBG-R Substantial Amendment Grantee Checklist

For the purposes of expediting review, HUD asks that applicants submit the following checklist along with the CDBG-R Substantial Amendment, Spreadsheet for Reporting Proposed CDBG-R Activities, and SF-424.

Contents of a CDBG-R Action Plan Substantial Amendment

Jurisdiction(s): City of Boston Lead Agency: Department of Neighborhood Development Jurisdiction Web Address: <u>www.cityofboston.gov/dnd/Consolidated_Plan.asp</u> <i>(URL where CDBG-R Substantial Amendment materials are posted)</i>	CDBG-R Contact Person: Robert Gehret Address: 26 Court Street, Boston, MA 02108 Telephone: 617-625-0242 Fax: 617-635-0383 Email: <u>bgehret.dnd@cityofboston.gov</u>
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The elements in the substantial amendment required for the CDBG recovery funds are:

A. SPREADSHEET FOR REPORTING PROPOSED CDBG-R ACTIVITIES

Does the submission contain a paper copy of the Spreadsheet for Reporting Proposed CDBG-R Activities?

Yes ☒ No ☐ Verification found on page **Section A**

Does the submission include an electronic version of the Spreadsheet for Reporting Proposed CDBG-R Activities sent to the email box CDBG-R@hud.gov?

Yes ☒ No ☐ Date Spreadsheet was emailed: **6/05/09**

Does the Spreadsheet for Reporting Proposed CDBG-R Activities include, for each activity:

- amount of funds budgeted for each activity, including CDBG-R funds, any additional Recovery Funds used and total activity budget,
 Yes ☒ No ☐ Verification found on page(s) **Section A**
- the Eligibility citation (eligibility regulatory cite or HCDA cite),
 Yes ☒ No ☐ Verification found on page(s) **Section A**
- the CDBG national objective citation,
 Yes ☒ No ☐ Verification found on page(s) **Section A**

B. CDBG-R INFORMATION BY ACTIVITY

Does the submission contain information by activity describing how the grantee will use the funds, including:

- a narrative for each activity describing how CDBG-R funds will be used in a manner that maximizes job creation and economic benefit,
Yes ☒ No ☐ Verification found on page(s) Section B, pages 8-17
- projected number of jobs created for each activity,
Yes ☒ No ☐ Verification found on page(s) Section B, pages 8-17
- whether an activity will promote energy efficiency and conservation,
Yes ☒ No ☐ Verification found on page(s) Section B, pages 8-17
- the name, location, and contact information for the entity that will carry out the activity,
Yes ☒ No ☐ Verification found on page(s) Section B, pages 8-17
- evidence that no more than 10% of the grant amount will be spent on administration and planning,
Yes ☒ No ☐ Verification found on page (s) Section A
- evidence that no more than 15% of the grant amount will be spent on public services,
Yes ☒ No ☐ Verification found on page (s) Page 4 of Introduction
- evidence that at least 70% of the grant amount will benefit persons of low and moderate income,
Yes ☒ No ☐ Verification found on page (s) Page 4 of Introduction

C. PUBLIC COMMENT PERIOD

Was the proposed action plan amendment published via the jurisdiction's usual methods and on the Internet for no less than 7 calendar days of public comment?

Yes ☒ No ☐ Verification found on page(s) Section C, pages 18-19

Is there a summary of citizen comments included in the final amendment?

Yes ☒ No ☐ Verification found on page(s) Section C, pages 18-19

D. CERTIFICATIONS

The following certifications are complete and accurate:

- | | | |
|---|---|-----------------------------|
| (1) Affirmatively furthering fair housing | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (2) Anti-displacement and relocation plan | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (3) Drug-free Workplace | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (4) Anti-lobbying | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (5) Authority of jurisdiction | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (6) Consistency with plan | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |

(7) Section 3	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(8) Community development plan	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(9) Following a plan	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(10) Use of Funds	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(11) Excessive Force	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(12) Compliance with anti-discrimination laws	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(13) Lead-based paint procedures	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(14) Compliance with laws	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(15) Compliance with ARRA	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(16) Project selection	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(17) Timeliness of infrastructure investments	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(18) Buy American provision	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(19) Appropriate use of funds for infrastructure investments	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(20) 70% of CDBG-R for LMI	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Optional Certification		
(21) Urgent Need - Not Applicable	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>